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09/178,837	10/26/1998	DARREN J. KADY	GC-334	5035

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ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 12/04/2001

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/178,837</b>	Applicant(s) <b>Darren J. Kady</b>
Examiner <b>Yves Dalencourt</b>	Art Unit <b>2635</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jul 23, 2001.

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-8, 11-13, and 19-22 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-8, 11-13, and 19-22 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

This action is responsive to request for continued examination (RCE) filed on 07/23/2001.

### ***Drawings***

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Response to Amendment***

The examiner has acknowledged the amended claims 1, and 19 - 20. The rejection of claims 1 and 19 under 35 U.S.C. 112 first paragraph has been withdrawn.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, and 19 - 20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1 - 6, 8, 11 - 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris et al al ( US 5510780; hereinafter Norris) in view of Baum et al( US 5563586; hereinafter Baum ).

Regarding claims 1, and 6 - 8, 11 - 13, and 19, Norris et al teaches an internal operating control device for use with equipment having an exterior case ( figure 2), a power source ( 10, figure 2), an activation member, and a driver member ( paragraph bridging between col. 4 & col. 5 ), said control device having an input device, said input device being integral with said exterior case and permitting input of user access codes ( 2, figure 1; col. 3, lines 34 - 46 ); a readout panel, said readout panel being visible at said exterior case and providing a status of said operating control device ( 44 & 45, figure 2; col. 3, lines 62 - 64 & col. 5, lines 6 - 11); an internal control member, said control member being in direct communication with the input device the power source, the driver member, and the activation member ( 5, figure 2; paragraph bridging between col. 4 & col. 5; col. 5, lines 19 - 34; col. 6, lines 35 - 39 ).

Norris teaches all the limitations, but fails to specifically teach a control device which has a predetermined user access code; a programmable activation time period, said programmable activation time period being set by a user; and wherein the control member prevents operation of the equipment by preventing power to transfer from said power source to the driver member without transmission of a user code, the user code enabling power to flow from the power source to the activation member to said driver member, thereby activating said equipment for said programmable activation time period and deactivating said equipment upon expiration of said

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programmable activation time period. Claim 19 adds the limitation a programmable timer, said timer communicating with said control member and enabling power to flow from said power source to said driver member for a predetermined period of time, said predetermined period of time being entered at said input device, and a clock member, said clock member activating and deactivating said timer based on user input (figure 2; col. 1, lines 52 - 54; col. 2, lines 41 - 47; paragraph bridging between col. 4 & col. 5 ).

However, Baum et al teaches, in the same field of endeavor, an apparatus for limiting control of electrical equipment which comprises a predetermined user access code ( col. 1, lines 56 - 67 ); a programmable activation time period , said programmable activation time period being set by a user ( col. 1, lines 12 - 18; col. 3, lines 54 - 62 ) ; and wherein the control member prevents operation of the equipment by preventing power to transfer from said power source to the driver member without transmission of a user code, the user code enabling power to flow from the power source to the activation member to the driver member, thereby activating said equipment for said programmable activation time period and deactivating said equipment upon expiration of said programmable activation time period ( abstract; col. 3, lines 54 - 62 ).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used said programmable activation time period being set by a user; and wherein the control member prevents operation of the equipment by preventing power to transfer from said power source to the driver member without transmission of a user code, the user code enabling power to flow from the power source to the activation member to said driver

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member, thereby activating said equipment for said programmable activation time period and deactivating said equipment upon expiration of said programmable activation time period in Norris et al's device as taught by Baum et al for the purpose of preventing unauthorized use of the equipment and a user friendly device.

Claims 20 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris et al and Baum et al, and in further view of Siegle et al ( US 6005489; hereinafter Siegle ).

Regarding claim 20, Norris et al and Baum et al teach all the limitations on claim 19, but fail to specifically teach an input device which is activated by an independent, self contained, portable remote, said portable remote unit containing an activation code, said activation code activating programming within said control member.

However, Siegle et al teaches, in the same field of endeavor, an apparatus for limiting control of electrical equipment which comprises an input device which is activated by an independent, self contained, portable remote, said portable remote unit containing an activation code, said activation code activating programming within said control member ( 1, figure 1; col. 1, lines 5 - 14; col. 1, lines 22 - 30 ).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used an input device which is activated by an independent, self contained, portable remote, said portable remote unit containing an activation code, said activation code activating programming within said control member in Norris et al and Baum et

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al's device as evidenced by Siegle et al for the purpose of providing the owner with great protection against theft.

Regarding claims 21 and 22, Norris et al, Baum et al, and Siegle et al teach all the limitations on claim 20, but fail to specifically teach a portable remote unit which is a scanning touch key, and a portable remote which can activate multiple pieces of equipment.

Baum et al does teach using a portable remote unit to activate an electric power tool. Thus, using a portable remote unit to activate multiple pieces of equipment would be within the level skill of an artisan in the art. The examiner takes official notice that having a portable remote unit which is a scanning touch key is well known in the art.

Although not expressly disclosed by the references, the examiner considers these limitations to be obvious variations on the teaching presented by the references.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on Monday through Thursday from 7:30AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Yves Dalencourt

  
November 28, 2001

MICHAEL HORABIK  
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